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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CNS PARTNERS, INC. d/b/a CORNERSTONE REALTY, individually, and for all others similarly situated,
 	
       Plaintiff,
 	
  -against–
 	
THE CITY OF NEW YORK, **ERIC L. ADAMS, MAYOR OF NEW YORK CITY, IN HIS OFFICIAL CAPACITY, DEPARTMENT OF HEALTH AND MENTAL HYGIENE,** and **DAVE A. CHOKSHI, COMMISSIONER OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, IN HIS OFFICIAL CAPACITY**
 	
      Defendants.
	Case No.: 1:22-cv-00037
	
	NOTICE OF MOTION FOR A PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER

  PLEASE TAKE NOTICE that upon the Complaint (Dkt. No. 1), the Memorandum in

Support of Plaintiff's Motion (Dkt. No. 2), and the affidavit of Mark J. Fonte (Dkt. No. 5-1),

affirmed on January 4, 2022, Plaintiff CNS Partners, Inc. d/b/a Cornerstone Realty ("Cornerstone

Realty") will move this court, before the Honorable Ann M. Donnelly, in the United States

Courthouse, Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New

York 11201, for i) an order pursuant to Federal Rule of Civil Procedure ("Rule") 65 enjoining

Defendants during the pendency of this action from enforcing the DOHMH Order that requires

private businesses to enforce a COVID-19 vaccine mandate and ii) an order pursuant to Rule 65,

pending the hearing of Plaintiff's application for a preliminary injunction, that temporarily

restrains and enjoins Defendants from enforcing the DOHMH Order.

Dated: New York, New York
       January 6, 2022

By: *s/ Mark J. Fonte*
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